

**R. GREGG ROGERS**  
**ATTORNEY AT LAW**  
**P. O. BOX 478**  
**LOUISVILLE, MISSISSIPPI 39339**  
**TELEPHONE: 662/779-4130**  
**FACSIMILE: 662/779-4125**  
**E-Mail Address: rgrogers99@yahoo.com**

**FACSIMILE TRANSMISSION COVER SHEET**

**TO:** Ms. Jeannie Nelson, Atlas Financial **FAX NO.** 1-847-952-7044

**FROM:** R. Gregg Rogers

**RE:** Claim number: 62CBLG17006182

**DATE:** \_\_\_\_\_

**TIME SENT:** \_\_\_\_\_ **O'CLOCK** \_\_\_\_ **. M.**

**DOCUMENT DESCRIPTION:** \_\_\_\_\_

**COMMENTS:** \_\_\_\_\_

**NUMBER OF PAGES (INCLUDING THIS PAGE):** \_\_\_\_\_

**CONFIDENTIALITY NOTICE**

THE PAGES COMPRISING THIS FACSIMILE TRANSMISSION CONTAIN CONFIDENTIAL INFORMATION FROM THE OFFICE OF R. GREGG ROGERS, ATTORNEY AT LAW. THIS INFORMATION IS INTENDED SOLELY FOR USE BY THE INDIVIDUAL ENTITY NAMED AS THE RECIPIENT HEREOF. IF YOU ARE NOT THE INTENDED RECIPIENT, BE AWARE THAT ANY DISCLOSURE, COPYING, DISTRIBUTION, OR USE OF THE CONTENTS OF THIS TRANSMISSION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US BY TELEPHONE IMMEDIATELY SO WE MAY ARRANGE TO RETRIEVE THIS TRANSMISSION AT NO COST TO YOU.

**EXHIBIT**

A

## IN THE CIRCUIT COURT OF NOXUBEE COUNTY, MISSISSIPPI

EARL BROWN

**FILED**

PLAINTIFF

VERSUS

FEB 25 2019

CIVIL ACTION FILE NO. 2019-0030

TC EXPRESS, LLC

*Judith H. Phillips*  
CIRCUIT CLERK

DEFENDANT

COMPLAINT

COMES NOW Earl Brown, Plaintiff, by and through his attorney of record, R. Gregg Rogers, Attorney at Law, of Louisville, Mississippi, and files this his Complaint for damages on account of personal injuries sustained as a result of the negligence of the Defendant, TC Express, LLC, and in support thereof would most respectfully show unto the Court the following, to-wit:

1. Plaintiff, Earl Brown, is an adult resident citizen of Noxubee County, Mississippi who resides at 11 Rural Street, Apt. 107, Macon, Mississippi 39341.
2. Defendant, TC Express, LLC, is a domestic corporation organized and existing under the laws of the State of Mississippi. That said corporation was qualified to do business in the State of Mississippi as of December 5, 2011. That said corporation can be served with process by and through its registered agent Adam Holmes, 2798 Lake Lowndes Road, Columbus, Mississippi 39702, where he may be found for service of process.
3. At the time of the wrongs and injuries involved, an employee of the Defendant TC Express, LLC traveled to the residence of the Plaintiff Earl Brown. That the employee of the Defendant traveled to the residence of Earl Brown for purposes of transporting Mr. Brown for an appointment with a physician through the Mississippi Division of Medicaid. That the employee of the Defendant TC Express, LLC was operating a van for the purposes of transporting Medicaid patients under the Defendant's contract with the Mississippi Division of Medicaid. That all acts of the employee of the Defendant TC Express, LLC are imputed to his employer Defendant TC

Express, LLC.

4. The Plaintiff avers that on or about December 21, 2017, that an employee of the Defendant TC Express, LLC traveled to his home located in Macon, Noxubee County, Mississippi. That the Plaintiff had a doctor's appointment that was covered by Mississippi Division of Medicaid. That the employee of the Defendant was contracted with Mississippi Division of Medicaid through a contract with his employer TC Express, LLC to transport the Plaintiff to his doctor's appointment. That the employee of the Defendant negligently loaded and placed the Plaintiff and his wheelchair in the van. As the result of the negligent actions of the employee of the Defendant, the Plaintiff suffered serious, painful and permanent injuries as hereinafter stated.

5. Plaintiff charges and alleges that the Defendant TC Express, LLC, by and through the actions of its employee, were guilty of negligence as follows:

- a. Failing to properly load and secure the Plaintiff and his wheelchair;
- b. Failing to properly transport the Plaintiff and his wheelchair;
- c. Failing to follow the policies and procedures of the Mississippi Division of Medicaid in securing and transporting patients;
- d. Failing to follow the guidelines of the Americans with Disabilities Act; and
- e. By other acts of negligence that might be ascertained through discovery.

6. That as a direct and proximate result of the negligence of the Defendant as aforesaid, Plaintiff Earl Brown sustained serious, painful and permanent injuries including, but not limited to, injuries to his left leg. It was necessary for Plaintiff Earl Brown to be treated by a physician as a result of said injuries sustained in said accident and Plaintiff Earl Brown has incurred substantial doctors, hospital, drug and other medical expenses and may incur additional medical expenses in the future. Plaintiff Earl Brown has also suffered extreme physical pain, mental anguish and discomfort

and has been permanently injured as a result of the negligence of the Defendant.

7. Since suffering the multiple injuries, the Plaintiff has been restricted in performing routine activities; that as a direct, immediate and proximate result of the aforesaid acts of negligence on the part of the Defendant herein named, Plaintiff may never again enjoy the health and physical strength with which he was endowed prior to the time he was so grievously and painfully injured through the negligence of the Defendant, TC Express, LLC.

WHEREFORE, Plaintiff Earl Brown brings this suit and demands judgment of and from Defendant, TC Express, LLC, in a reasonable amount to be determined by a jury of his peers, together with pre-judgment interest, post judgment interest, and all costs incurred herein.

Respectfully submitted,

EARL BROWN, PLAINTIFF

BY: 

R. GREGG ROGERS (MSB # 5651)  
Attorney for Plaintiff

OF COUNSEL:

R. GREGG ROGERS (MSB # 5651)  
ATTORNEY AT LAW  
POST OFFICE BOX 478  
LOUISVILLE, MISSISSIPPI 39339  
TELEPHONE: (662) 779-4130  
ATTORNEY FOR PLAINTIFF